

REMARKS

This amendment is in response to the Examiner's Office Action dated 1/29/2004 and further in view of the interview of 02/03/2004. Applicant is appreciative of the professional and courteous interview held with the Examiner. An agreement was reached during the interview of 02/03/2005 that the Nakano reference in combination with the Kansakoski reference failed to provide for the limitations of pending claims 3-12. Based on the examiner's input, applicants have amended independent claims 3, 5, 6, and 8 for clarification purposes. It should be noted that the amendments were made without adding new matter. Support for the phraseology "mutually adjacent reception levels" can be found in figure 9 and corresponding description in the application as filed (e.g., see page 34 of the application-as-filed). This amendment should obviate outstanding issues and make the remaining claims allowable. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

STATUS OF CLAIMS

Claims 3-12 are pending in the application.

Claims 10-12 are objected to for an informality which has been corrected herein.

Claims 3-12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

To clarify the claimed invention claims 3, 5, 6, and 8 have been amended from "adjacent paths" to the "mutually adjacent reception levels" cited in applicant's specification. The claims have not been narrowed.

Claims 3, 5-7 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakano et al. (Nakano) in view of Kansakoski et al. (Kansakoski).

In applicant's claim 3, a searcher for detecting multipath and levels of signals that arrive via respective one of the paths. In addition claim 3 recites calculating plural level differences between mutually adjacent reception levels using the levels of signals a correction unit corrects the target SIR based upon a combination of plural level differences between mutually adjacent reception levels, a teaching that is conspicuously absent in both the Nakano and Kansakoski references. Likewise claim 5 recites correcting the target SIR based upon a combination of the rate of change in fading and the plural level differences between mutually adjacent reception levels.

In the Office Action it is admitted that Nakano does not specifically teach plural level differences between mutually adjacent reception levels and a combination of the plural level differences between mutually adjacent reception levels. However, it is alleged in the Office Action that Kansakoski teaches the plural level differences between mutually adjacent reception levels and a mutually adjacent reception levels at column 9, lines 66 through column 10, line 13.

However it is respectfully submitted that, for at least the following reasons, the reference Kansakoski fails to teach applicant's claimed a target SIR is corrected based upon a combination of the plural level differences between mutually adjacent reception levels.

Kansakoski discloses forward link closed loop power control in which power control circuitry in a wireless telecommunication mobile station derives power control commands based upon the Doppler shift of a carrier transmitted from a base station, or a velocity derived from the Doppler shift, and a transmitting device transmits the power control commands to the base station. In contrast to Kansakoski applicant's claims relate to multipath and levels of signals

that arrive via respective ones of the paths, thus the level-difference calculation unit calculates plural level differences between mutually adjacent reception levels using the levels of signals.

Kansakoski merely describes the “routine” where the amplitude of the received signal is sampled and the difference between successively sampled amplitudes is monitored. There is no description related to mutually adjacent receptions levels relating to multipath signals. For example, in col. 9:66 - col. 10:13 of Kansakoski only the following is described: “It has been observed that as the Doppler frequency increases, the difference in successive samples also increases.” Further described is velocity V of the mobile station is derived from equation (2) and Doppler frequency f_d is derived from equation (3).”

However, there is no description of the plural level differences between mutually adjacent reception levels and a combination of said plural level differences between mutually adjacent reception levels at all.

For at least the foregoing reasons, it is respectfully submitted neither Nakano nor Kansakoski discloses distinguishing features of claim 3 that are:

a searcher for detecting multipath and levels of signals that arrive via respective one of the paths;

a level-difference calculation unit for calculating plural level differences between mutually adjacent reception levels using the levels of signals; and

a correlation unit for correcting the target SIR based upon a combination of said plural level differences between adjacent paths.

Similarly, neither Nakano nor Kansakoski discloses these components in independent claims 5, 6. Therefore it is respectfully requested the rejection of claims 3, 5-7 and 11 be withdrawn.

Claims 4, 8-10 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakano et al. in view of Kansakoski et al. and other references such as Dohi et al., Hasegawa, and Watanabe et al. Each of these rejections relies on the combination of Nakano and Kansakoski teaching the above features. None of the additional references describe applicant's distinguishing features therefore it is respectfully requested the rejection of claims 4, 8-10 and 12 be withdrawn.

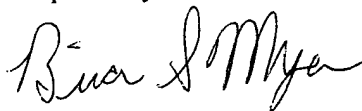
SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

This amendment is being filed with a petition for extension of time. The Commissioner is hereby authorized to charge the petition fee, as well as any deficiencies in the fees provided to Deposit Account No. 50-1290.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Brian S. Myers".

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In the Drawings:

None